

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**NATIONAL BOARD OF MEDICAL
EXAMINERS, et al.,**

Plaintiffs,

v.

No. 09-1043

OPTIMA UNIVERSITY, LLC, et al.,

Defendants.

**ORDER GRANTING PLAINTIFFS'
MOTION FOR LEAVE TO TAKE DISCOVERY**

Before the Court is Plaintiffs' Motion for Leave to Take Discovery (D.E. #14), which requests the Court permit third-party discovery relating to Defendant's United States Medical Licensing Examination ("USMLE") preparation course in advance of the parties' Rule 26(f) conference. Plaintiffs contend that third-party discovery is necessary because of heightened concerns regarding Defendants' activities and the importance of the public interest that is ultimately at stake in this litigation.

The instant motion was filed on March 4, 2009. Pursuant to Local Rule 7.2(a)(2), the opposing party shall file a response within fifteen days after service of the motion, and failure to respond timely may be deemed good grounds for granting the motion. To date, no response has been filed. Accordingly, Defendant's Motion for Leave to Take Discovery is hereby GRANTED.

IT IS SO ORDERED this 23rd day of June, 2009.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE